REMARKS

Claims 1-12 and 14-27 remain in the present application. Claim 13 has been canceled. The Examiner has acknowledged that claims 2-5 and 14-27 are directed to allowable subject matter.

In the Office Action dated September 30, 2004, the Examiner rejected, in particular, independent claim 1 of the present application under 35 U.S.C. §103(a) as being unpatentable over Fisher et al. (U.S. Patent No. 5,528,596). For the following reasons, Applicants respectfully traverse the Examiner's rejection and respectfully request the withdrawal thereof.

Applicants wish to point out that, pursuant to the claimed invention, received signal amplitudes are measured with two different threshold detectors. The first has an ideal fixed value and the second has a value which is changed within the dynamic range of the signal. Specifically, referring to claim 1, the method includes:

> sampling an optical binary signal in a working channel with a first threshold value, producing first sampling values;
>
> additionally sampling set optical binary signal in a measuring channel with the second threshold value during a plurality of measuring intervals in which in each case said second threshold value is varied, producing second sampling values.

Applicants respectfully submit that the Fisher reference does not teach or suggest such a method. Indeed, Fisher merely discloses a method for detecting a sequence at a base station according to a correlation process (see, e.g., Col. 1, lines 60-66 and Col. 2, lines 5-6). Applicants respectfully submit that the Examiner misstated that "said second threshold value is varied (e.g., Col. 3, line 6/10-15)." Referring to the passages cited by the Examiner, the referenced threshold value is only varied according to a number of integrated bits as shown in Figure 10. In fact, only one threshold detector is used in the cited example and the threshold is only varied for an optimized detection of the received sequence.

Given that, pursuant to the present invention, the bit sequence (as disclosed in Fisher) is not known, the sampled values from the two threshold detectors respectively having a fixed and a variable threshold are therefore compared.

In sum, the Fisher reference is not at all directed to the same problem/method as the claimed invention. Fisher does not teach or suggest, nor even contemplate, sampling an optical

binary signal in a working channel with the first threshold value and then, in addition, in a measuring channel with a second threshold value during a plurality of measuring intervals in which in each case each second threshold value is varied.

Moreover, Applicants respectfully submit that the methods of independent claims 1 and 2 of the present application essentially propose equivalent solutions for the same method. Indeed, both of the claimed methods involve the particular sampling steps as described hereinabove. Thus, given that the Examiner has deemed independent claim 2 of the present application allowable, Applicants respectfully submit that, in light of the arguments proposed above, independent claim 1 of the present application should also be deemed allowable.

For all the above reasons, Applicants respectfully submit that all of the claims of the present application are both novel and non-obvious over the art of record and respectfully request that a timely Notice of Allowance be issued in this case.

It is further acknowledged that a two month extension of time of $450.00 is due in connection with this response at this time. However, if any fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-632) on the account statement.

Respectfully submitted,

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